

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/036881

International filing date (day/month/year)
08.11.2004

Priority date (day/month/year)
07.11.2003

International Patent Classification (IPC) or both national classification and IPC
G06F3/16, H04L12/64, G06F17/30

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/578766

International application No.
PCT/US2004/036881

1AP20 Rec'd PCT/PTO 05 MAY 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No
PCT/US2004/036881

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

5,9,10,18,21,23-27,30,32,37-39,41,45,50,52,56,59,60

No: Claims

1-

4,6-8,

11-17,

19,20,

22,28,

29,31,33-36,40,42-44,46-49,51,53-55,57,58,61-64,66,

Inventive step (IS)

Yes: Claims

No: Claims

1-67

Industrial applicability (IA)

Yes: Claims

1-67

No: Claims

2. Citations and explanations

see separate sheet

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Re Item I.

1 Reference is made to the following document:

D1: US-A-5 761 430 (GROSS ET AL) 2 June 1998 (1998-06-02)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A computer system (a "station" in fig. 1; col. 3, ln. 57 - col. 4, ln. 12), comprising: an operating system adapted to execute a plurality of applications (the software described in col. 5, ln. 37 - 40 (fig. 2B) is implicitly (part of) an operating system); an isochronous audio application (part 50 in fig. 2B; col. 6, ln. 25 - 28) executable within the operating system substantially in parallel with other applications executable by the operating system (col. 5, ln. 37 - 40 and fig. 2B: part 50 is executed within the operating system); a network interface (part 12 in fig. 2B; col. 5, ln. 40 - 45) configured to operate within the operating system (col. 5, ln. 37 - 40 and fig. 2B: part 12 operates within the operating system), the network interface operable to send and receive via a switched network ("Ethernet" (col. 5, ln. 40 - 45) is a switched network) a stream of packets for the applications (col. 5, ln. 46 - 55), where the stream of packets includes data packets and isochronous audio packets (col. 5, ln. 66 - col. 6, ln. 2; col. 6, ln. 25 - 27); and an isochronous audio driver (parts 46 and 52 in fig. 2B; col. 5, ln. 37 - 40) in communication with the network interface and the applications (fig. 2B), the isochronous audio driver configured to decode isochronous audio packets in the received stream of packets (col. 6, ln. 22 - 27) and provide decoded audio data included in the isochronous audio packets to the isochronous audio application (col. 6, ln. 25 - 28), the isochronous audio driver further configured to pass the data packets without change to the other applications (col. 6, ln. 5 - 7 and col. 6, ln. 29 - 38).

Therefore the subject-matter of claim 1 is not novel.

3 INDEPENDENT CLAIMS 11, 34, 42, 58 and 61

3.1 The subject-matter of claims 11, 34, 42, 58 and 61, which corresponds to the subject-matter of claim 1, does not meet the criteria of Article 33(1) PCT, for the same reasons, *mutatis mutandis*, as stated in par. 2.1.

3 INDEPENDENT CLAIMS 20, 29 and 51

3.1 Whereas the subject-matter of claim 1 relates to receiving packets (claim 1, ln. 11), the subject-matter of claim 20 relates to transmitting packets after receiving and decoding synchronization packets (claim 20, ln. 12 - 13).

This is also disclosed by D1: col. 5, ln. 6 - 10 and fig. 3; col. 10, ln. 42 - 65 and col. 10, ln. 13 - 19.

3.2 The subject-matter of claims 29 and 51, which corresponds to the subject-matter of claim 20, does not meet the criteria of Article 33(1) PCT, for the same reasons, *mutatis mutandis*, as stated in par. 3.1.

4 DEPENDENT CLAIMS

4.1 Dependent claims 2 - 10, 12 - 19, 21 - 28, 30 - 33, 35 - 41, 43 - 50, 52 - 57, 59, 60 and 62 - 67 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), see document D1 and passages mentioned in the search report.